

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

FILED

AUG 27 2019

U. S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

No.)

ONE HUNDRED TWENTY-ONE)
THOUSAND, ONE HUNDRED AND)
TEN DOLLARS (\$121,110.00))
U.S. CURRENCY,)

Defendant.)

4:19MC00629NAB

MOTION TO EXTEND TIME TO FILE COMPLAINT FOR FORFEITURE

Comes now the United States of America, by and through its attorneys, Jeffrey B. Jensen, United States Attorney for the Eastern District of Missouri, and Stephen Casey, Assistant United States Attorney for said District, and respectfully moves this Court to extend the time in which the United States is required to file a verified complaint for forfeiture and in support of its Motion states as follows:

1. On March 5, 2019, \$121,110.00 U.S. Currency was seized from Carl Magliocchetti.
2. All of the written notice of intent to forfeit required by Title 18, United States Code, Section 983(a)(3)(A) to be sent by the Drug Enforcement Administration to interested parties has been sent.
3. The time has expired for any person to file an administrative claim to the property under Title 18, United States Code, Section 983(a)(2)(A)-(E).
4. The only people to file administrative claims to the defendant property with the Drug Enforcement Administration were Carl Magliocchetti and Trevor Stoutenburgh. Carl

Magliocchetti filed a claim for \$50,000.00 of the \$121,110.00 with the Drug Enforcement Administration on May 31, 2019. Trevor Stoutenburgh filed a claim for \$71,110.00 of the \$121,110.00 U.S. Currency with the Drug Enforcement Administration on May 31, 2019.

5. Title 18, United States Code, Section 983(a)(3)(A) provides as follows:

Not later than 90 days after a claim has been filed, the Government shall file a complaint for forfeiture in the manner set forth in the Supplemental Rules for Certain Admiralty and Maritime Claims or return the property pending the filing of a complaint, except that a court in the district in which the complaint will be filed *may extend the period for filing a complaint for good cause shown* or upon agreement of the parties.

6. Title 18, United States Code, Section 983(a)(3)(B) also provides that the United States may maintain possession of the property by filing criminal charges within the relevant time frame.

7. Accordingly, absent an order extending its time, the United States must either file a civil complaint for forfeiture of the above-captioned property or file criminal charges on or about August 29, 2019.

8. The United States has an ongoing criminal investigation regarding the conduct giving rise to the forfeiture of the property. If a civil complaint is filed, any discovery in a civil case would impede the Government's ability to conduct its ongoing criminal investigation and would also create a burden on the claimant's right against self-incrimination. Should the property be returned to the claimant there would be no assurance that the property would be available as evidence in any subsequent court proceedings.

9. The requested extension is in the interest of justice insofar as it avoids the need for duplicative actions and thereby conserves judicial and other governmental resources.

10. A proposed order is included herewith for the Court's consideration.

WHEREFORE, for the foregoing good cause, the Government respectfully requests that the Court extend the period in which the United States is required to file a Complaint against the property and/or to return criminal charges until November 27, 2019.

Dated: August 27, 2019

Respectfully submitted,

JEFFREY B. JENSEN
United States Attorney

/s/ Stephen Casey
STEPHEN CASEY, #58879MO
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St. Louis, Missouri 63102
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CERTIFICATE OF SERVICE

I hereby certify that on August 27, 2019, a copy of the foregoing was sent via first-class mail, postage prepaid and addressed to the following:

Carl Magliocchetti
23 Helme Road
Kingston, RI 02881-1801

Trevor Stoutenburgh
21 Kenyon Woods Way
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/s/ Stephen Casey
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